

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/030,315
Attorney Docket No. Q66240

REMARKS

Claims 1-6 have been examined. Claims 7-9 are added. Therefore, claims 1-9 are all the claims pending in the application.

To summarize, the Examiner rejects claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by JP 57-174320; claims 1 and 3-6 under 35 U.S.C. § 102(b) as being anticipated by JP 09-272583; claims 1 and 3-6 under 35 U.S.C. § 102(b) as being anticipated by Ishitsuka (U.S. Patent No. 5,373,944); and claim 2 under 35 U.S.C. § 103(a) as being obvious from Ishitsuka.

I. Preliminary Matters

As a preliminary matter, Applicant amends claim 1 to recite more thoroughly the features of the present invention. Additionally, Applicant amends claims 1-6 to make editorial changes to conform with U.S. patent practice.

Further, Applicant adds new claims 7-9 to more thoroughly recite the features of the present invention and to provide more varied protection for the present invention. In particular, claim 9 recites all of the features of claim 1 (as amended herewith) plus the features of the invention described at page 3, line 23, to page 4, line 6, of the specification. Applicant submits that claim 9 is patentable for at least reasons that are analogous to claim 1, as set forth below. Additionally, Applicant submits that claim 9 is separately and independently patentable over any of the applied references at least by virtue of the combination of additional features recited therein.

II. Drawings

The Examiner objects to the drawings because a Preliminary Amendment was filed on January 10, 2002, including a Request for Approval of Proposed Drawing Corrections. The Examiner has not indicated whether the Proposed Drawing Corrections have been approved. Therefore, Applicant submits a complete set of corrected drawings, incorporating the Proposed Drawing Corrections, and to request that the Examiner indicate that the corrected drawings are accepted and approved in the next Patent Office correspondence.

III. Claim Rejections based on prior art grounds

(A) Illustrative, non-limiting embodiment of the invention:

The present invention relates to a case comprising a containing part adapted to contain objects to be contained, such as disk cartridges, and a lid part that is provided on an opening of the containing part via a hinge part and adapted to be freely opened and closed. In particular, the case comprises at least one pair of locking portions operable to be engaged with each other and disposed in areas near corners of both side faces of the opening of the containing part and an opening of the lid part. The locking portions extend along the side faces of the container and the side faces of the lid part in a direction of a vertical axis of the case, which corresponds to a direction of opening of the case. The present invention has an advantage that, since the vertical axis of the case corresponds to the direction in which the molds used to form the case are opened, it is possible to mold the case without employing sliding cores that are adapted to move

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on occasion of the molding, thereby simplifying manufacturing while obtaining sufficient lock holding force that is required for practical use of the case.

In another illustrative, non-limiting embodiment, the areas near said corners range from a front face of the case along the side faces to a point that is less than or equal to one fourth of a width of each of the side faces of the case. Thus, sufficient lock holding force can be obtained.

In yet another illustrative, non-limiting embodiment, the locking portions comprise a shape of a first depression and a first projection and a shape of a second projection and a second depression which are adapted to be engaged with each other.

In still another illustrative, non-limiting embodiment, the locking portions comprise a depression and a projection which are adapted to be engaged with each other, or a projection and a depression which are adapted to be engaged with each other.

In one illustrative, non-limiting embodiment, the locking portions are disposed at areas near corners at a front side of the case, and disposed at substantially middle areas of both the side faces of the openings of the containing part and the lid part. In another illustrative, non-limiting embodiment, the locking portions are disposed at areas near corners at a front side of the case, and disposed at areas near corners at a back side of the case.

Moreover, in yet another illustrative, non-limiting embodiment, the locking portions have an undercut shape.

(B) The Examiner rejects claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by JP 57-174320. For at least the following reasons, Applicant traverses this rejection.

Applicant submits that JP 57-174320 discloses locking projections that are formed along the length of the side portions of the case in a direction perpendicular to the opening direction of the case. In comparison, claim 1 recites, *inter alia*, “wherein said locking portions extend along said side faces of said container and said side faces of said lid part in a direction of a vertical axis of said case, said direction of said vertical axis corresponding to a direction of opening of said case”. Accordingly, Applicant argues that JP 57-174320 neither discloses nor suggests at least this recitation, and therefore, clearly does not anticipate independent claim 1 (as amended). As such, Applicant submits that claims 1-6 are not anticipated by JP 57-174320; and therefore, the rejection of claims 1-6 should be withdrawn.

(C) Additionally, the Examiner rejects claims 1 and 3-6 under 35 U.S.C. § 102(b) as being anticipated by JP 09-272583. In particular, the Examiner takes the position that a depressed and projecting engagement part equivalent to the claimed subject matter is disclosed by JP 09-272583. For at least the following reasons, Applicant traverses this rejection.

JP 09-272583 discloses concave-convex engagement sections 7 disposed near the corners of the disk package, as shown, for example, in Figures 1 and 7. However, similar to JP 57-174320, JP 09-272583 also discloses engagement sections 7 that extend in a direction perpendicular to the direction of opening of the case (i.e., perpendicular to the vertical axis of the case).

In comparison, claim 1 recites, *inter alia*, “wherein said locking portions extend along said side faces of said container and said side faces of said lid part *in a direction of a vertical axis* of said case, said direction of said vertical axis corresponding to a direction of opening of said case” (emphasis added). Accordingly, Applicant submits that JP 09-272583 neither discloses nor suggests at least this recitation of independent claim 1; and therefore, the anticipation rejection of claims 1 and 3-6 should be withdrawn.

(D) Furthermore, the Examiner rejects claims 1 and 3-6 under 35 U.S.C. § 102(b) as being anticipated by Ishitsuka. In particular, the Examiner takes the position that Ishitsuka discloses a case having locking portions 11a, 11b adapted to engage with each other, as shown in Figure 3 of Ishitsuka. For at least the following reasons, Applicant traverses this rejection.

As shown in Figure 3, Ishitsuka discloses position regulating protrusions 11a and position regulating recesses 11b, and similarly, in Figure 1, lock protrusions 8a and lock recesses 8b. However, as shown in Figures 1 and 3, the protrusions and recesses extend in a direction along the length of the side of the case (i.e., in a direction perpendicular to the direction in which the case is opened).

In comparison, claim 1 recites, *inter alia*, “wherein said locking portions extend along said side faces of said container and said side faces of said lid part *in a direction of a vertical axis* of said case, said direction of said vertical axis corresponding to a direction of opening of said case” (emphasis added). Accordingly, Applicant argues that Ishitsuka neither discloses nor

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suggests at least this recitation of independent claim 1; and therefore, the anticipation rejection of claims 1 and 3-6 should be withdrawn.

(E) Moreover, the Examiner rejects claim 2 under 35 U.S.C. § 103(a) as being obvious from Ishitsuka. In particular, the Examiner takes the position that, to the extent that the width of Ishitsuka is not one fourth or less of a width of each side face, it would have been obvious to one of ordinary skill in the art to construct the locking portions of any reasonable parameter desired since such modification would have involved *a mere change in the size of the component*. The Examiner points out that a change in size generally is recognized as being within the level of ordinary skill in the art. For at least the following reasons, Applicant traverses this rejection.

First, Applicant submits that claim 2 is patentable over Ishitsuka at least by virtue of its dependency from claim 1; and therefore, the obviousness rejection of claim 2 should be withdrawn.

Second, with respect to the Examiner's characterization of claim 2, Applicant respectfully disagrees with the Examiner's position. For example, claim 2 does not recite merely *a change in size* of a feature, as alleged by the Examiner. On the contrary, claim 2 defines a novel and unobvious arrangement of features, including specific locations of those features in relation to other features of the present invention. For example, claim 2 recites, *inter alia*, that "said areas near said corners range from a front face of said case along said side faces to a point that is less than or equal to one fourth of a width of each of said side faces of said case."

Additionally, as set forth above, by forming the case according to the claimed invention, Applicant discloses that the claimed invention has specific advantages over the prior art. For example, Applicant discloses that the present invention has an advantage that, since the vertical axis of the case corresponds to the direction in which the molds used to form the case are opened, it is possible to mold the case without employing sliding cores that are adapted to move on occasion of the molding, thereby simplifying manufacturing while obtaining sufficient lock holding force that is required for practical use of the case.

Accordingly, Applicant submits that claim 2 does not involve a mere *change in the size of the component*, as alleged by the Examiner. In fact, claim 2 does not recite the “size” of a component at all. Instead, claim 2 defines *a range of positions* where the claimed locking portions can be disposed that is *based on the size* of the side faces of the case. Thus, claim 2 does not merely recite the size of a component. Accordingly, Applicant respectfully submits that the Examiner is misapplying the rule of law in this case, and therefore, clearly has not established a *prima facie* case of obviousness with respect to claim 2.

For at least the foregoing reasons, Applicant requests the Examiner to withdraw the obviousness rejection of claim 2.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,

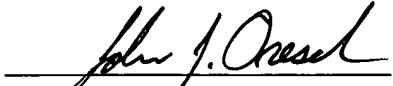
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